



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/550,630

01/07/2006

Koji Hirose

P28569

5469

52123 7590 08/18/2009  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER

LEWIS, JONATHAN V

ART UNIT

PAPER NUMBER

2425

NOTIFICATION DATE

DELIVERY MODE

08/18/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/550,630	<b>Applicant(s)</b> HIROSE ET AL.	
	<b>Examiner</b> JONATHAN LEWIS	<b>Art Unit</b> 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 3-8, 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Yuen et al. (US Pat. No. 6,430,358).**

**Regarding claim 1** (Currently Amended), Yuen et al. teaches a controlled device which is controlled on the basis of control information generated by a remote controller according to a user operation on a terminal at a remote place and transmitted through a network (Abstract), comprising: a storage section that stores a channel table which associates broadcast station numbers with channel numbers, the broadcast station numbers being allocated to associated broadcast stations and used by the remote controller to specify the associated broadcast stations, the channel numbers being allocated to the associated broadcast stations and used by the controlled device to specify the associated broadcast stations (Fig. 2 and col. 8, lines 9-23 shows and discloses the storage of the table; Fig. 29 shows the broadcast channel table having an allocated number as well as a local number for the broadcast stations; Fig. 11 shows the process of converting the assigned channel numbers to a local number via the

Art Unit: 2425

remote controller); and a receiver that receives control information including the broadcast station numbers through the network, wherein the controlled device specifies a channel number on the basis of a received broadcast station number with reference to the channel table, and performs an operation based on the control information with the specified channel number (col. 23, line 65 - col. 24, line 25 discloses the receiver receiving the broadcast station numbers through the local cable network, and the controlled device specifies the channel number on the basis of the received station according to Fig. 29).

**Regarding claim 3**, Yuen et al. teaches the controlled device according to claim 1, that is a video recording apparatus capable of recording a received broadcast program (Abstract discloses the VCR; Figs. 3 & 14).

**Regarding claim 4**, Yuen et al. teaches the controlled device according to claim 1, wherein the control information is information necessary to perform timer recording of a broadcast program (Abstract; col. 2, lines 24-31).

**Regarding claim 5** (Currently Amended), Yuen et al. teaches a remote control system which includes the controlled device according to claim 1 which is controlled from the terminal at a remote place through a network, and the remote controller which transmits control information to the controlled device in accordance with an instruction from the terminal (Abstract; col. 2, lines 24-31; Fig. 53 shows the custom controller 1300, with the embedded custom programmer), wherein the remote controller includes: a communication controller that receives control information including a broadcast station number through the network from the terminal (col. 37, lines 28-60 discloses the

Art Unit: 2425

custom controller has all the set up features as did the instant and custom programmer; col. 34, lines 40-67 discloses the automatic download after pressing "1" to the programmer of the channel numbers in the channel table, also shown in Fig. 29); and a transmitter that transmits the control information including the received broadcast station number to the controlled device (col. 37, line 47 – col. 38, line 30 discloses the transmitter transmitting control information to the controlled devices, including station numbers as shown in Figs. 28 and 29).

**Regarding claim 6** (Currently Amended), Yuen et al. teaches the remote control system according to claim 5, wherein the remote controller includes a section that reads a channel table from the controlled device to acquire a relationship between broadcast station numbers and channel numbers when a user operation on the terminal relates to a change in the channel table, and that changes the relationship on the basis of the user operation on the terminal by transmitting the changed relationship to the controlled device, and the controlled device updates the channel table on the basis of the changed relationship between the broadcasting station numbers and the channel numbers transmitted from the remote controller (Figs. 11 & 29; col. 19, line 47 – col. 20, line 6).

**Regarding claim 7** (Currently Amended), Yuen et al. teaches the remote control system according to claim 6, wherein the remote controller control device sets an initial relationship between the broadcast station numbers and the channel numbers on the basis of area information which represents an installation area of the controlled device and is designated by a user on the terminal, and, thereafter, the relationship can be changed according to a user operation on the terminal (Figs. 11 & 29).

**Regarding claim 8** (Currently Amended), Yuen et al. teaches a remote control method for a remote control system including a controlled device controlled from a terminal located at a remote place through a network and a remote controller which transmits control information to the controlled device in accordance with an instruction from the terminal (Abstract), the control method comprising: storing a channel table that associates broadcast station numbers with channel numbers in the controlled device, the broadcast station numbers being allocated to associated broadcast stations and being used by the remote controller to specify the associated broadcast stations, the channel numbers being allocated to the associated broadcast stations and being used by the controlled device to specify the broadcast stations (Fig. 2 and col. 8, lines 9-23 shows and discloses the storage of the table; Fig. 29 shows the broadcast channel table having an allocated number as well as a local number for the broadcast stations; Fig. 11 shows the process of converting the assigned channel numbers to a local number via the remote controller); and when a user operation related to a change in the channel table is performed on the terminal, reading the channel table from the controlled device by the remote controller to acquire a relationship between a broadcast station number and a channel number, and changing the relationship on the basis of a user operation on the terminal causing the remote controller to transmit the changed relationship to the controlled device (Figs. 11 & 29; col. 19, line 47 – col. 20, line 6); and updating the channel table in the controlled device on the basis of the changed relationship between the broadcast station number and the channel number transmitted from the remote controller (Figs. 11 & 29; col. 19, line 47 – col. 20, line 6).

Method and apparatus **claims 10-12** are rejected for the same reasons as stated above in the corresponding method claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al. (US Pat. No. 6,430,358) in view of Kim et al. (US PG Pub. No. 2009/0178077).**

**Regarding claim 2**, Yuen et al. teaches all the claim limitations as stated above, except the channel table manages a broadcast station number, a channel number, and a frequency of a broadcast station, by associating them with each other.

However, Kim et al. teaches the channel table manages a broadcast station number, a channel number, and a frequency of a broadcast station, by associating them with each other (Fig. 3; claims 31 and 32).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to modify Yuen et al. to include the frequency of the broadcast station, in order to allow uninterrupted, efficient recording and playback of the broadcast channels in Yuen with the channel table of Kim able to easily differentiate and discriminate inactive channels.

Method **claim 9** is rejected for the same reasons as stated above in the corresponding apparatus claim.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Morales US Pat. No. 5,663,757
- b. Kato US PG Pub. No. 2002/0041756
- c. Hendricks et al. US Pat. No. 5,734,853
- d. Kunii et al. US Pat. No. 7,095,402
- e. LaJoie et al. US Pat. No. 5,850,218
- f. Darbee et al. US Pat. No. 6,130,726
- g. Terasawa et al. US Pat. No. 6,147,714
- h. Ellis et al. US Pat. No. 6,774,926

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is (571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2425

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2425